

The House Committee on Regulated Industries offers the following substitute to SB 335:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages,  
2 so as to change certain provisions of the "Georgia Alcoholic Beverage Code"; to change  
3 certain provisions relating to the maintenance of records of alcoholic beverages  
4 manufactured, purchased, or sold; to provide that counties and municipalities with approval  
5 of the local housing authority board of commissioners may provide certain exceptions  
6 relating to the sale of alcoholic beverages for consumption on the premises near housing  
7 authority property; to change certain provisions relating to the filing of bonds with  
8 applications for renewal of licenses; to change certain provisions relating to tax payment and  
9 reporting by licensees; to provide a date by which taxes must be paid for distilled spirits sold  
10 by the package or disposed of by wholesale dealers; to declare certain distilled spirits to be  
11 contraband; to provide for related matters; to provide for an effective date; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is  
16 amended by revising subsection (a) of Code Section 3-3-6, relating to the maintenance of  
17 records by manufacturers, importers, or dealers, as follows:

18 "(a) Each manufacturer, importer, wholesale dealer, retail dealer, and retail consumption  
19 dealer shall keep and preserve, as prescribed by the commissioner, records of all alcoholic  
20 beverages manufactured, purchased, or sold ~~by him~~. The original records or a complete  
21 and legible photocopy or electronic image shall be kept on the licensed premises for a  
22 period of three years from the date of manufacture, purchase, or sale and shall at all times  
23 be ~~open to~~ available for inspection by the commissioner or any authorized agent or  
24 employee of the commissioner."

**SECTION 2.**

Said title is further amended by revising subsection (e) of Code Section 3-3-21, relating to sales of alcoholic beverages near churches, school buildings, or other sites, as follows:

"(e)(1) As used in this subsection, the term 'housing authority property' means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the 'Housing Authorities Law.'

(2) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application. A county or municipality, by agreement with the local housing authority, may provide for an exemption from this subsection for an applicant by adopting one of the two methods set forth below:

(A) Requiring the applicant to make an application to the county or municipality for such an exemption which the county or municipality shall forward to the local housing authority board of commissioners for review. Within 30 days after receiving such application, the local housing authority board of commissioners shall provide the county or municipality with a recommendation to grant or deny such exemption or provide no recommendation and, after the 30-day period for review and recommendation by the local housing authority board of commissioners expires or the local housing authority board of commissioners makes a recommendation or returns such application without recommendation, whichever is earlier, a county or municipality shall be authorized by resolution or ordinance to exempt such applicant from this subsection and provide for such sales by such applicant; or

(B) Requiring the applicant to file an application with the county or municipality with the written recommendation for approval of such application by the local housing authority board of commissioners. The county or municipality shall be authorized by resolution or ordinance to exempt such applicant from this subsection and provide for such sales by such applicant."

**SECTION 3.**

Said title is further amended by revising Code Section 3-4-20, relating to levy and amount of state occupational license tax, as follows:

"3-4-20.

(a) An annual occupational license tax is imposed upon each distiller, manufacturer, broker, importer, wholesaler, fruit grower, and retail dealer of distilled spirits in this state, as follows:

(1) Upon each distiller and manufacturer. . . . . \$ 1,000.00

(2) Upon each wholesale dealer. . . . . 1,000.00

(3) Upon each importer. . . . . 1,000.00

(4) Upon each fruit grower. . . . . 500.00

(5) Upon each broker. . . . . 100.00

(6) Upon each retail dealer. . . . . 100.00

(b) The tax provided in this Code section shall be paid on each place of business operated. Such tax shall be paid to the commissioner when the licensee assumes control of the place of business and applies for any beverage alcohol license and annually thereafter as long as the business is operated."

#### SECTION 4.

Said title is further amended by revising Code Section 3-4-61, relating to tax payment and reporting, as follows:

"3-4-61.

(a) Except as may otherwise be authorized in this title, the state excise taxes imposed by this part shall be paid by the licensed wholesale dealer in distilled spirits.

~~(b) The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the particular municipality or county by the wholesale dealer.~~

~~(c)~~(b) Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month, by size and type of container, the exact quantities of distilled spirits sold during the month within the state. The licensee shall file the report with the commissioner.

~~(d)~~(c) The wholesaler shall remit to the commissioner the tax imposed by the state on the ~~tenth~~ fifteenth day of the month following the calendar month in which ~~the sales were made~~ alcoholic beverages were disposed of or sold."

~~(e) In order to phase in the reporting system of excise tax payment for distilled spirits and alcohol:~~

~~(1) The commissioner shall direct that no later than January 31, 1993, all persons who made excise tax payments in respect of distilled spirits and alcohol sales in the State of Georgia during the calendar year 1992 shall make a one-time deposit equal to the amount~~

94 of 25 percent of said tax payments. This one-time advance shall be repaid in full by the  
95 state in equal semiannual installments over the period of 24 months following August 1,  
96 1993; except that, in the event wholesalers made payments as provided for in this  
97 paragraph, the commissioner shall repay such wholesalers in the form of semiannual  
98 credits against future tax liability;

99 (2) ~~On February 1, 1993, or as soon thereafter as practicable, the commissioner shall~~  
100 ~~direct that an inventory be taken of stamped merchandise and tax stamps held by~~  
101 ~~manufacturers, shippers, and wholesalers. The commissioner shall issue refunds to all~~  
102 ~~manufacturers and shippers for the value of tax stamps in their possession on February~~  
103 ~~1, 1993, to be paid in 12 equal installments beginning on August 1, 1993. The~~  
104 ~~commissioner shall issue tax credits to wholesalers for stamps in inventory on February~~  
105 ~~1, 1993, which shall be applied as credits against the wholesaler's future tax liability for~~  
106 ~~the 12 month period beginning with the report due on August 10, 1993;~~

107 (3) ~~Nothing in this subsection shall be construed to impose an additional excise tax on~~  
108 ~~distilled spirits and alcohol held in inventory by wholesalers and retailers above the~~  
109 ~~excise tax paid prior to February 1, 1993; and~~

110 (4) ~~The commissioner shall adopt rules and regulations for the implementation of a~~  
111 ~~reporting method of paying distilled spirits and alcohol excise taxes as well as the~~  
112 ~~elimination of the use of any type of distilled spirits and alcohol stamp. The~~  
113 ~~commissioner shall have full authority to allow credits or make refunds as provided for~~  
114 ~~in this subsection.~~

115 (d) The commissioner shall adopt rules and regulations for the implementation of a  
116 reporting method of paying distilled spirits and alcohol excise taxes."

## 117 SECTION 5.

118 Said title is further amended by revising Code Section 3-4-80, relating to the levy of tax on  
119 the sale of distilled spirits by the package and the imposition of tax by both county and  
120 municipality, by adding a new subsection to read as follows:

121 "(d) The taxes shall be paid on or before the tenth day of the month following the calendar  
122 month in which the alcoholic beverages are sold or disposed of within the particular  
123 municipality or county by the wholesale dealer."

## 124 SECTION 6.

125 Said title is further amended by revising Code Section 3-4-111, relating to the sale by  
126 wholesalers to licensees and the purchase by licensees from wholesalers, to read as follows:

127 "3-4-111.

128 (a) Those persons who are duly licensed as wholesalers of distilled spirits under this title  
129 may sell distilled spirits at wholesale prices to any person or persons licensed as provided  
130 in this article. Persons licensed under this article may purchase distilled spirits from a  
131 licensed wholesaler at wholesale prices.

132 (b) Any distilled spirits possessed, sold, or offered for sale by a retail dealer or retail  
133 consumption dealer which were purchased or otherwise acquired from any person other  
134 than a wholesale dealer authorized to do business under this chapter is declared to be  
135 contraband and shall be seized and disposed of by the commissioner in the manner so  
136 provided in this title."

#### 137 SECTION 7.

138 Said title is further amended by revising Code Section 3-4-111.1, relating to occupational  
139 license tax upon retail consumption dealers and the bond required of applicants for a retail  
140 consumption dealer's license, as follows:

141 "3-4-111.1.

142 (a) An annual occupational license tax in the amount of \$100.00 is imposed upon each  
143 retail consumption dealer in this state.

144 ~~(b) Every applicant for a retail consumption dealer's license shall file with the~~  
145 ~~commissioner, along with each application, a bond conditioned to pay all sums which may~~  
146 ~~become due by the applicant to this state as taxes, license fees, or otherwise by reason of~~  
147 ~~or incident to the operation of the business for which licensure is sought and conditioned~~  
148 ~~in order to pay all penalties which may be imposed upon the applicant for failure to comply~~  
149 ~~with the laws, rules, and regulations pertaining to distilled spirits. Surety for the bond shall~~  
150 ~~be a surety company licensed to do business in this state and the bond shall be in such form~~  
151 ~~as may be required by the commissioner. Such bond shall be in the amount of \$2,500.00.~~

152 (b) The tax provided in this Code section shall be paid on each place of business operated.  
153 Such tax shall be paid to the commissioner when the licensee assumes control of the place  
154 of business and applies for any beverage alcohol license and annually thereafter as long as  
155 the business is operated."

#### 156 SECTION 8.

157 Said title is further amended by revising Code Section 3-5-20, relating to levy and amount  
158 of state occupational license tax upon malt beverage brewer, manufacturer, broker, importer,  
159 wholesaler, and retail dealers, as follows:

"3-5-20.

(a) An annual occupational license tax is imposed upon each brewer, manufacturer, broker, importer, wholesaler, and retail dealer of beer in this state, as follows:

(1) Upon each brewer. . . . .	\$ 1,000.00
(2) Upon each wholesale dealer. . . . .	500.00
(3) Upon each importer. . . . .	500.00
(4) Upon each broker. . . . .	50.00
(5) Upon each retail dealer. . . . .	50.00
(6) Upon each brewpub operator. . . . .	1,000.00

~~(b) The tax provided in this Code section shall be paid on each place of business operated and shall be paid to the commissioner when the licensee enters business and annually thereafter so long as the business is operated and conducted.~~

(b) The tax provided in this Code section shall be paid on each place of business operated. Such tax shall be paid to the commissioner when the licensee assumes control of the place of business and applies for any beverage alcohol license and annually thereafter as long as the business is operated."

#### SECTION 9.

Said title is further amended by revising Code Section 3-6-20, relating to levy and amount of tax, as follows:

"3-6-20.

An annual occupational license tax is imposed upon each winery, manufacturer, broker, importer, wholesaler, and retail dealer of wine in this state, as follows:

(1) Upon each winery and manufacturer. . . . .	\$ 1,000.00
(2) Upon each wholesale dealer. . . . .	500.00
(3) Upon each importer. . . . .	500.00
(4) Upon each broker. . . . .	50.00
(5) Upon each retail dealer. . . . .	50.00

(b) The tax provided in this Code section shall be paid on each place of business operated. Such tax shall be paid to the commissioner when the licensee assumes control of the place of business and applies for any beverage alcohol license and annually thereafter as long as the business is operated."

#### SECTION 10.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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**SECTION 11.**

195 All laws and parts of laws in conflict with this Act are repealed.